

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL J. GRESS and BRANDY L.	)	
GRESS, on behalf of themselves and all	)	
others similarly situated,	)	
	)	
Plaintiffs,	)	Case No. 1:19-cv-00375-RDM
	)	(Hon. Robert D. Mariani)
v.	)	
	)	
FREEDOM MORTGAGE	)	
CORPORATION,	)	
	)	
Defendant.	)	
	)	

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**DECLARATION OF WILLIAM F. CASH II**

I, William F. Cash III, offer the following declaration under 28 U.S.C.

§ 1746(2).

1. I am an attorney in the firm of Levin, Papantonio, Rafferty, Proctor, Buchanan, O'Brien, Barr, & Mougey, P.A.—also known as “Levin Papantonio Rafferty” or “LPR.” We are counsel for the Plaintiff along with Mr. Blankinship’s firm. I am submitting my declaration in support of Plaintiff’s motion to approve the settlement.

2. Levin Papantonio Rafferty is based in Pensacola, Florida. We were founded in 1955 by Reubin Askew, who went on to be a governor of Florida, and Fredric G. Levin, who was a legendary trial lawyer in Florida until he passed away

from covid-19. Our other name partners include Mike Papantonio, a nationally-recognized trial lawyer concentrating in MDL work, and Troy Rafferty, a past president of the Florida trial lawyers' association and a legend in his own right.

3. LPR is one of the top firms in the United States in terms of MDL practice and class action practice. We have over 40 attorneys and 200 employees working on four floors of a building in downtown Pensacola as well as key attorneys in other cities around the United States. We founded and operate "Mass Torts Made Perfect," a twice-annual seminar which draws approximately 1,000 attendees, including the top plaintiffs' lawyers in the MDL/class action world, together for a CLE-granting conference. We are leaders in professional organizations and associations. LPR is in court every day.

4. LPR attorneys have been appointed lead counsel in countless major litigations, including the National Prescription Opiates Litigation MDL, the BP Deepwater Horizon oil spill MDL, and scores of other major prescription drug litigations.

5. My firm's sample resume is attached to my Declaration as Exhibit 1.

6. In the case at bar, several LPR attorneys performed important work in leading to this settlement. Matthew D. Schultz, a partner, evaluated and consulted on the complaint and in discovery. I am a former partner, now of counsel, and I

contributed significant work in terms of briefing, discovery, strategy, briefing, and settlement. Other members of my firm (including non-attorney staff) performed significant work at my direction.

7. Another role I performed was liaison to the clients. I managed most of the contact with the Gresses, and can attest that they were highly involved in the conduct of the litigation. They assisted us in preparing the complaint, analyzing their own claims, gathering documents, and provided us with useful assistance in the way of strategy in this case.

8. The Gresses invested considerable amounts of their own time in prosecuting this case.

9. The Gresses were also involved with us during the mediation sessions. While they did not participate directly in discussions with the mediator or Freedom, they were continually available, followed the moves we made, and provided us with direction. We did not and could not have reached our settlement without their consent. They have approved of the Agreement that we reached.

10. I participated in the mediation sessions on December 28, 2020 and January 14, 2021.

11. I can affirm that we did not discuss attorney fees or costs until after we had reached a proposed settlement for class members.

12. After the mediation, we drafted a memorandum of understanding on the key terms.

13. During the next several months, however, the parties continued to negotiate on the specifics of the class notice, including the postcard. Mr. Blankinship and I agreed on our strategy for this but I took the lead in communicating with Freedom. After having negotiated for months, we are satisfied that this provides fair notice to class members.

14. I consulted with Mr. Blankinship in drafting his declaration, I reviewed it in full, and I echo those portions of the declaration that describe our conduct of this litigation. (I will let him speak for himself when it comes to his firm's reputation, which is excellent.)

15. I join Mr. Blankinship in seeking the Court's approval of this settlement agreement and certification of a class.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on September 2, 2021.

/s/ William F. Cash III  
William F. Cash III

# Exhibit 1

# LEVIN PAPANTONIO

Thomas • Mitchell • Rafferty • Proctor

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Founded in 1955, Levin Papantonio (LP) is a 40-lawyer firm based in Pensacola, Florida. While maintaining a traditional local practice as it has for 64 years, the firm now enjoys a national reputation as a leader in mass tort and class action litigation.

LP attorneys have been appointed as lead counsel or PEC/PSC members in more than 50 MDLs ranging from pharmaceutical/medical device litigation to environmental and securities cases. The firm is recognized for its ability to successfully resolve large MDLs.

It also is known for its trial bench, which has won more than \$2.5 billion in jury verdicts, including more than 150 jury verdicts exceeding \$1 million.

As a leader in the mass tort/class action space, LP hosts a semi-annual seminar, Mass Torts Made Perfect, that attracts more than 1,000 mass tort and class action lawyers to each event.

Despite LP's national practice, the firm remains committed to local community, where its roots run deep. To date, LP attorneys and employees have donated more than \$35 million and tens of thousands of volunteer hours to charity.

## **Sample Awards & Accomplishments**

- Leadership Appointments in 50+ MDLs
- Best Law Firms – U.S. News & World Report
- Best Lawyers in America
- National Law Journal – America's Elite Trial Lawyers & Hall of Fame
- President, National Trial Lawyers
- AAJ Board of Governors
- President, Public Investors Arbitration Bar Ass'n
- Public Justice Ass'n – Trial Lawyer of the Year Finalist
- Inner Circle of Advocates
- The Summit Council – Top Civil Just Attorneys in the U.S.
- Florida Trend Legal Elite

## **Sample Verdicts**

- \$150 million – defective drug
- \$480 million – airplane crash
- \$380 million – environmental pollution
- \$43 million – fraud
- \$30 million – tobacco wrongful death
- \$31 million – medical malpractice
- \$43 million – defective drug
- \$18 million – train derailment
- \$21 million – age discrimination

### **Sample Leadership Appointments**

- Plaintiffs' Steering Cmte. & Plaintiffs' Discovery Liaison, MDL No. 2570, *In re: Cook Medical, Inc. IVC Filters, Marketing, Sales Practices and Products Liability Litig.* (S.D. Ind. – Hon. Richard L. Young)
- Plaintiffs' Steering Cmte., MDL No. 2641, *In re: Bard IVC Filters Products Liability Litig.* (D. Az. – Hon. David G. Campbell)
- Plaintiffs' Leadership Cmte. & Class Counsel (MRGO PSLC), *In re: Katrina Canal Breaches Consolidated Litig.*, Case No. 05-4182 (E.D. La. – Hon. Stanwood R. Duval, Jr.)
- Plaintiffs' Liaison Counsel for all *Engle* Progeny Tobacco Cases, 2008-present (Fla. 1st Cir. – Hon. Terry J. Terrell)

## William F. Cash III

**Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A.**

316 S. Baylen Street #600, Pensacola FL 32502

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### Education

2008 J.D. *summa cum laude*, Capital University, Columbus, Ohio

- Capital Univ. Law Review, research editor
- National Moot Court Team

2000 B.A. in urban geography, Ohio State University, Columbus, Ohio

**Employment**

2009– **Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A.**  
Currently a shareholder, transitioning to “of counsel” status in Chicago

- Co-lead of LP’s Class Actions Department
- Founded Wage & Hour Department
- Have held lead responsibility for several mass tort litigations
- Concentrate practice on advanced discovery, briefing, and oral argument

2008–09 Judicial law clerk, District Judge M. Casey Rodgers, Northern District of Florida

2008 Externship, Circuit Judge Jeffrey S. Sutton, Sixth Circuit Court of Appeals

2007 Externship, District Judge Algenon L. Marbley, Southern District of Ohio

1999–2007 Nationwide Mutual Insurance Company

- Software architect; led a team of developers writing cartographic applications

### Admissions

- United States Supreme Court
- State bars of Illinois, Florida, and Ohio
- Federal circuits: Second, Fifth, Eleventh
- Federal districts: N.D. Fla., M.D. Fla., S.D. Fla., N.D. Ohio, S.D. Ohio, S.D. Ill.

### Trial verdicts and decisions

- *In re Chinese Drywall*: approximately \$2 million (2010)
- *Gaghan v. Hoffmann-La Roche*: \$2.1 million (2011)
- *Wilkinson/Rossetto v. Hoffmann-La Roche*: \$18 million (2012)
- *Kendall v. Hoffmann-La Roche*: \$2.5 million (2014)

- *In re Pradaxa Prods. Liab. Litig.*, MDL No. 2385, 2014 WL 321656 (S.D. Ill. Jan. 29, 2014) (defeated arguments to shield 85 documents from confidentiality under German law) (lead author of brief)
- *Rich v. Simoni*, 772 S.E.2d 327 (W. Va. 2015) (Supreme Court tightened ethical standards for contingency lawyers, holding Rules of Professional Conduct had the force of public policy) (briefed and argued)
- *Kerns v. Lamot Industries, LLC*, No. 3:16cv76, 2017 WL 2903348 (N.D. Fla. June 1, 2017) (plaintiff's summary judgment motion; established right to emotional distress damages in FLSA case)

#### **Other credentials/experience**

- Numerous articles in professional journals (FJA Journal; The American Trial Lawyer cover story)
- Public speaking: AAJ; Mass Torts Made Perfect; Colo. Trial Lawyers Assoc.
- Regularly appear at Capital University Law School (lectures; moot court)



### Matthew D. Schultz

Shareholder

Levin, Papantonio, Thomas, Mitchell, Rafferty & Proctor, P.A.  
316 S. Baylen St., Suite 600  
Pensacola, FL 32502  
(850) 435-7140

### Education & Background

- J.D., *summa cum laude*, Florida State University College of Law, 2002
- Recipient, 14 Book Awards – FSU College of Law, 1999-2002
- Member, FSU Law Review, 1999-2002
- Sr. Articles Editor, FSU Law Review, 2001-2002
- Order of the Coif
- Law Clerk, Hon. Robert L. Hinkle, U.S. District Court (N.D. Fla.), 2002-2004

### Previous & Ongoing Judicial Appointments

- Plaintiffs' Executive Cmte., MDL No. 2816, *In re: Sorin 3T Heater Cooler System* (W.D. Pa. – Hon. John E. Jones, III)
- Plaintiffs' Executive Cmte., MDL No. 2695, *In re: Santa Fe Natural Tobacco Co. Marketing and Sales Practices Litig.* (D.N.M. – Hon. James O. Browning)
- Plaintiffs' Steering Cmte. & Plaintiffs' Discovery Liaison, MDL No. 2570, *In re: Cook Medical, Inc. IVC Filters, Marketing, Sales Practices and Products Liability Litig.* (S.D. Ind. – Hon. Richard L. Young)
- Plaintiffs' Steering Cmte., MDL No. 2641, *In re: Bard IVC Filters Products Liability Litig.* (D. Ariz. – Hon. David G. Campbell)
- Plaintiffs' Leadership Cmte. & Class Counsel (MRGO PSLC), *In re: Katrina Canal Breaches Consolidated Litig.*, Case No. 05-4182 (E.D. La. – Hon. Stanwood R. Duval, Jr.)
- Plaintiffs' Liaison Counsel for all *Engle* Progeny Tobacco Cases, 2008-present (Fla. 1st Cir. – Hon. Terry J. Terrell)

### Representative Verdicts

- *Gray v. R.J Reynolds Tobacco Co., et al.* (\$9.25 million jury verdict)
- *Guy v. Roads, Inc. of NW Fla.* (\$4.25 million jury verdict)
- *Martin v. R.J. Reynolds Tobacco Co., et al.* (\$30 million jury verdict)
- *Danielson v. Philip Morris USA Inc.* (\$2.95 million jury verdict)

### Honors

- AV Rated, Martindale-Hubbell (>20 5-star reviews for ethical conduct)
- Florida "Super Lawyer" 2009-2019
- AVVO Rating: 10
- Eagle Scout, BSA